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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

17       Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Thursday, February 7, 2008, at 2:30 p.m. be continued to Thursday, February 21, 2008, at 2:00  
20 p.m. The continuance is requested to allow time for further pre-charge negotiation and defense  
21 investigation.

22 The parties further agree that time should be excluded under the Speedy Trial Act from  
23 February 7, 2008 to February 21, 2008, to allow time for defense investigation and preparation,  
24 and because the ends of justice outweigh the defendant's and the public's need for a speedy trial.

Finally, in order to allow additional time for pre-charge negotiations, the parties also agree that time should be extended for the defendant's preliminary hearing pursuant to Federal

STIPULATION TO EXTEND PRELIM.  
HEARING DATE; [PROPOSED] ORDER  
No. CR 08-70029 HRL

1 Rule of Criminal Procedure 5.1(d), taking into account the public interest in the prompt  
 2 disposition of criminal cases.

3

4 Dated: 02/06/08

/s/  
 5 LARA S. VINNARD  
 Assistant Federal Public Defender

6 Dated: 02/06/08

/s/  
 7 TOM O'CONNELL  
 Assistant United States Attorney

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**ORDER**

9  
 10 The parties have jointly requested a continuance of the hearing set for February 7, 2008,  
 11 to allow time for continued pre-charge negotiation and continued defense investigation.

11  
 12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
 13 presently set for February 7, 2008 at 2:30 p.m. be continued to February 21, 2008, at 2:00 p.m.

14 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
 15 from February 7, 2008, to February 21, 2008, shall be excluded from the period of time within  
 16 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

17 Finally, due to the parties' efforts to engage in pre-charge negotiations, it is ORDERED  
 18 that time should be extended for the defendant's preliminary hearing pursuant to Federal Rule of  
 19 Criminal Procedure 5.1(d), taking into account the public interest in the prompt disposition of  
 20 criminal cases.

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Dated: 2/6/08

  
 22 PATRICIA V. TRUMBULL  
 United States Magistrate Judge

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STIPULATION TO EXTEND PRELIM.  
 HEARING DATE; [PROPOSED] ORDER  
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